UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

    v.                                                                CRIMINAL NO.
                                      04-10360-DPW

CARLOS MEDINA
       Defendant

### TRIAL ORDER, PRETRIAL CONFERENCE AND ORDER OF EXCLUDABLE DELAY

WOODLOCK, D.J.

    After an initial pretrial conference held on April 13, 2005, the following Order is hereby set:

    A three (3) day jury trial is set for **MAY 31, 2005 AT 9:00 A.M.**, in Courtroom #1 on the 3RD floor before the Honorable Douglas P. Woodlock. Parties are directed to keep open the dates of May 31, 2005 through June 17, 2005 because of possible adjustments in Court's trial schedule. The time period from **April 13 2005 to May 31, 2005** is deemed excludable in the interests of justice. Trial will continue day to day on a 9 to 1 schedule until deliberations. A pretrial conference will be held on **MAY 31, 2005, at 9:00 a.m.** unless the parties request an earlier pretrial conference date.

    In preparation for trial, it is hereby ORDERED that:

1.    Unless otherwise ordered, but by no later than **MAY 23, 2005,** counsel for the government and defense shall:

    A.    Exchange proposed written stipulations of fact in a form suitable for presentation to the jury.

    B.    File **in triplicate** (original and 2 copies):

        (1)    All proposed questions each requests the Court to direct to the jury panel during voir dire examination.

        (2)    A Trial Brief addressing anticipated disputes concerning evidentiary issues and

other matters of law unless a different
date has been specified.

(3)    Proposed Jury Instructions with citations
to supporting authority.

2.    No later than the first day of trial and before impaneling the jury,
the government shall submit to the Court **in triplicate**, with
additional copies for defense counsel, a list of its witnesses,
including their residences or institutional address, and the name of
the case agent, if any, who is to sit at government counsel table.
Defendant(s) shall submit a list of prospective alibi witnesses and
any other witnesses the defendant(s) wish brought to the attention
of the jury during voir dire, identified by city or town of
residence or by the institutional address.

3.    All parties shall, prior to the commencement of trial, mark for
identification purposes all proposed exhibits and materials intended
to be used as offered during trial.  On the first day of trial each
party shall file copies and shall file, **in triplicate**, a listing of
such proposed exhibits. Such exhibits should be pre-marked in a
numerical sequence and labeled either "Government Exhibit" or
"Defendant Exhibit". (see attached form for exhibit list)

4.    Any request to use special audio-visual or other electronic
equipment during the trial shall be made as soon as possible prior
to the trial date.

Counsel are advised of the Court's "5 minute-rule", which requires that
during jury deliberations, counsel may leave the courtroom, but must appear in
court within 5 minutes of a call from the deputy clerk, in order to respond to
any jury question or for the return of a verdict. Defense counsel are encouraged,
but not required, to bring pagers/beepers with them during jury deliberations,
should they desire to leave the courtroom to use the library or the cafeteria,
or go to some other location within a 5 minute radius.

BY THE COURT

/s/ Michelle Rynne

April 13, 2005                          Deputy Clerk

USE THIS FORMAT FOR PREPARATION OF EXHIBIT LIST:

| Exhibit Offered By: | Exhibit Number/ Letter | Marked [yes/no] | Admitted [yes/no] | Descrip- tion of Exhibit | Offered through Witness: | Date Admitted |
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SAMPLE EXHIBIT LIST

(Third, Fourth, Sixth and Seventh Columns
and bracketed material to be completed at trial)

| Exhibit Offered By: | Exhibit Number/ Letter | Marked [yes/no] | Admitted [yes/no] | Descrip- tion of Exhibit | Offered through Witness: | Date Admitted |
|---|---|---|---|---|---|---|
| Plaintiff | 1 | yes | yes | MGH Hospital Record dated 8/5/98 | John Jones | 10/10/98 |
| Defendant | 2 | yes | yes | Boston Police Report dated 8/5/98 | Officer John Smith | 10/11/98 |
| Plaintiff | 3A | yes | yes | 3x5 photo of Plaintiff showing injuries | Plaintiff | 10/11/98 |
| Plaintiff | 3B | yes | yes | 4x6 photo scene of accident | Plaintiff | 10/11/98 |